

REMARKS

Claims 32-39 are pending in this application. By this Amendment, claims 32 and 36 are amended for clarity. Claims 40 and 41 are canceled. No new matter is added. Applicants respectfully request reconsideration and prompt allowance of the pending claims at least in light of the following remarks.

Claims 40 and 41 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,605,038 (Teller). As claims 40 and 41 are canceled, the rejection is moot. Applicants respectfully request withdrawal of the rejection.

Claims 32, 36, 38 and 39 are rejected under 35 U.S.C. §103(a) as being unpatentable over Teller in view of U.S. Patent No. 6,493,652 (Ohlenbusch). Applicants respectfully traverse the rejection, for the following two reasons.

First, Teller and Ohlenbusch, either alone or in combination, fail to disclose or to have rendered obvious "the second graph has a second vertical axis and a second horizontal axis, the total of time for each state of exercise for the one day being on the second horizontal axis, and the state of exercise being on the second vertical axis," as recited in claims 32 and 36.

The Office Action admits that Teller fails to disclose this feature.

Ohlenbusch fails to make up for the deficiency of Teller. Ohlenbusch discloses monitoring activity of a user in locomotion on foot. Ohlenbusch discloses that FIG. 8 is a graph showing the linear relationship between the foot contact time (Tc) of a user in locomotion and the pace at which the user is walking or running (Pace) (column 17, lines 41-43). Ohlenbusch also discloses that in the example shown in FIG. 8, the slopes Mpw and Mp of lines 802 and 804, respectively, are positive, indicating that longer foot contact times correspond to slower paces and shorter foot contact times correspond to faster paces (column 32, lines 50-53). In addition, Ohlenbusch discloses that FIG. 38 is a graph showing the relationship between pace and step time (Ts) for a user over a reasonable range of walking

speeds (column 19, lines 3-6). Ohlenbusch further discloses that examples of empirically measures relationships between pace and Ts and between speed and 1/Ts for a particular user are shown in Figs. 38 and 39, respectively (column 73, 61-64).

Thus, Ohlenbusch discloses the relationship between the foot contact time (Tc) of a user in locomotion and the pace (Fig. 8) and the relationships between the pace and the step time Ts (Fig. 38). Ohlenbusch also discloses that the foot contact time (Tc) of the user is on a horizontal axis and the pace is on a vertical axis (Fig. 8) and that the step time (Ts) is on the horizontal axis and the pace of the user is on the vertical axis (Fig. 38). However, Figs. 8 and 38 of Ohlenbusch fail to disclose displaying a total of time for each state of exercise for one day (e.g., footsteps, or steps for one day). Specifically, in Ohlenbusch, the foot contact time or the step time is not a total time of an exercise for one day (e.g., footsteps or steps for one day). Thus, Ohlenbusch fails to disclose that a total of time for each state of exercise in the one day (e.g., footsteps or steps for one day) is on the horizontal axis and the state of exercise being on the second vertical axis. Thus, Ohlenbusch fails to disclose the above feature, as recited in claims 32 and 38.

Thus, Teller and Ohlenbusch, either alone or in combination, fail to disclose or to have rendered obvious the above feature, as recited in claims 32 and 36.

Second, Teller and Ohlenbusch, either alone or in combination, fail to disclose or to have rendered obvious "the health management report includes a first graph displaying changes over time in the activity data for one day, and a second graph displaying a total of time for each state of exercise for the one day...the second graph is disposed on right side of the first graph on a same sheet, and the first and second horizontal axes are disposed coaxially, and the length of the first vertical axis is equal to the length of the second vertical axis, and the scale of the first vertical axis is equal to the scale of the second vertical axis," as recited in claims 32 and 36.

The Office Action admits that Teller fails to disclose this feature.

Ohlenbusch fails to make up for the deficiency of Teller. Ohlenbusch discloses that Figs. 29A and 29B are graphs illustrating acceptable ranges for the ratios of foot contact times and step times ( $T_c/T_s$ ) for data accumulated while a user is walking or running (column 19, lines 3-6). Ohlenbusch further discloses that Figs. 29A and 29B are graphs representing, respectively, ratios of the values of  $T_c$  and  $T_s$  measured for multiple individuals throughout a variety of walking and running speeds (column 60, lines 15-18).

However, Ohlenbusch is silent about whether Figs. 29 A and 29 B are shown in one sheet. In addition, Fig. 29B is disposed on the lower side of Fig. 29A. Further, the step time is on a horizontal axis in Figs. 29A and 29B, but time or a total time is not on the horizontal axis. Further, Figs. 29A and 29B of Ohlenbusch do not disclose the activity for one day. Thus, Ohlenbusch fails to disclose the above feature, as recited in claims 32 and 36.

In view of the above, Teller and Ohlenbusch, either alone or in combination, fail to disclose or to have rendered obvious the above feature, as recited in claims 32 and 36.

Thus, claims 32 and 36 are patentable over Teller and Ohlenbusch. Further, claims 38 and 39 are patentable for at least the same reasons, as well as for the additional features they recite. Applicants respectfully request withdrawal of the rejection.

Claims 33-35 and 37 are rejected under 35 U.S.C. §103(b) as being unpatentable over Teller in view of Ohlenbusch, further in view of U.S. Patent Application Publication No. 2002/0055419 (Hinnebusch). Applicants respectfully traverse the rejection.

This rejection is premised upon the presumption that the combination of Teller and Ohlenbusch discloses, teaches or suggests the above features of claims 32 and 36. As discussed above, Teller and Ohlenbusch fail to disclose, teach or suggest at least these features. Further, Hinnebusch fails to make up for the deficiency of Teller and Ohlenbusch. Thus, the rejection is improper. Applicants respectfully request withdrawal of the rejection.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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Attachments:

Request for Continued Examination  
Information Disclosure Statement

Date: July 26, 2010

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